



City of Santa Barbara

ABR ORDINANCE (EXCERPT)

CHAPTER 22.68 ARCHITECTURAL BOARD OF REVIEW*

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22.68.010 Architectural Board of Review.

A. PURPOSE. Section 814 of the Santa Barbara City Charter creates and establishes an Architectural Board of Review for the City to promote the general public welfare of the City and to protect and preserve the natural and historical charm and beauty of the City and its aesthetic appeal and beauty.

B. MEMBERSHIP. The Architectural Board of Review shall be composed of nine (9) members to be appointed as provided in the Charter. At least two (2) members of the Board shall be licensed architects, at least two (2) members of the Board shall be licensed landscape architects, and at least three (3) other members shall possess professional qualifications in related fields, including, but not limited to, building design, structural engineering or industrial design. These members shall be electors of the City and shall hold office at the pleasure of the City Council.

C. OFFICERS - QUORUM. The members of the Architectural Board of Review shall elect from their own members a chair and vice-chair. The Community Development Director or his or her designee shall act as secretary and record Board actions and render written reports thereof for the Board as required by this Chapter. The Board shall adopt its own rules of procedure. Four (4) members shall constitute a quorum, one (1) of which shall be an architect. (Ord. 5416, 2007; Ord. 5050, 1998; Ord. 4701, 1991; Ord. 3792, 1975; Ord. 3757, 1975; Ord. 3646, 1974.)

22.68.015 Definitions.

A. DEFINED IN THIS CHAPTER. If any word or phrase is defined in this Chapter 22.68, the definition given in this Chapter shall be operative for the purposes of this Chapter.

B. DEFINED IN CHAPTER 28.04. If a word or phrase used in this Chapter 22.68 is not defined in this Chapter, but is defined in Chapter 28.04 of this Code, the word or phrase shall have the same meaning in this Chapter as the meaning specified in Chapter 28.04.

C. UNDEFINED WORDS AND PHRASES. Any words or phrases used in this Chapter 22.68 that are not defined in this Chapter or Chapter 28.04 of this Code shall be construed according to the common meaning of the words and the context of their usage. (Ord. 5416, 2007.)

22.68.020 Design Review – Non-Residential and Multi-Family Residential Buildings.

A. APPROVAL REQUIRED BEFORE ISSUANCE OF PERMIT. No building permit or grading permit, the application for which is subject to design review by the Architectural Board of Review in accordance with the requirements of this Chapter 22.68, shall be issued without the approval of the Board or the City Council, on appeal.

B. BUILDING PERMITS - NONRESIDENTIAL, MULTIPLE RESIDENTIAL, DUPLEX, TWO OR MORE DETACHED RESIDENTIAL UNITS AND MIXED USE. Any application for a building permit to construct, alter, or add to the exterior of a non-residential, multi-family residential, residential duplex or mixed use (residential and non-residential) building or a related accessory structure, or any application which will result in two or more detached residential units on one lot in any zone (other than the Single Family Zones listed in Chapter 28.15 of this Code), shall be referred to the Architectural Board of Review for design review in accordance with the requirements of this Chapter.

C. SUBDIVISION GRADING PLANS. All subdivision grading plans involving grading on a lot or lots located in any zone (other than the Single Family Zones listed in Chapter 28.15 of this Code) shall be referred to the Architectural Board of Review for a review of the proposed grading.

D. GRADING PERMITS. Any application for a grading permit that proposes grading on any lot (other than a lot located in the Single Family Zones listed in Chapter 28.15 of this Code or a lot that is developed exclusively with a single family residence in any zone) and which application is not submitted in connection with an application for a building permit for the construction or alteration of a building or structure on the same lot shall be referred to the Architectural Board of Review for a review of the proposed grading.

E. EXTERIOR COLOR.

1. New Buildings. The Architectural Board of Review shall review the exterior color of any new building or structure that is subject to design review by the Architectural Board of Review.

2. Alterations. If a change of the exterior color of a building or structure is proposed in connection with another alteration to a building or structure that is subject to design review by the Architectural Board of Review, the Architectural Board of Review shall review the proposed change of color in the course of the design review of the other alteration(s).

3. Non-Residential Buildings or Structures. The Architectural Board of Review shall review any change to the exterior color of a non-residential building or related accessory structure whether or not the change of color is proposed in connection with another alteration of the building or structure that is subject to design review by the Architectural Board of Review.

F. HIGHWAY 101 IMPROVEMENTS. Improvements to U.S. Highway 101 or appurtenant highway structures which require a Coastal Development Permit pursuant to the City's Certified Local Coastal Program, and which are located within the Highway 101 Santa Barbara Coastal Parkway Special Design District as defined by Municipal Code Section 22.68.060, shall be referred to the Architectural Board of Review for design review, except for improvements to those portions of U.S. Highway 101 and its appurtenant structures that are located within the El Pueblo Viejo Landmark District, which are subject to review by the Historic Landmarks Commission pursuant to SBMC §22.22.140.B.

G. ARCHITECTURAL BOARD OF REVIEW SUBMITTAL REQUIREMENTS. Applications for review by the Architectural Board of Review shall be made in writing in such form as is approved by the Community Development Director. No application required to be referred to the Architectural Board of Review shall be considered complete unless accompanied by the application fee in the amount established by resolution of the City Council.

H. ADMINISTRATIVE REVIEW AND APPROVAL. Minor design alterations, as specified in the Architectural Board of Review Design Guidelines approved by a resolution of the City Council, may be approved as a ministerial action by the Community Development Director (or the Director's designee)

without review by the Architectural Board of Review. The Community Development Director or the Director's designee shall have the authority and discretion to refer any minor design alteration to the Architectural Board of Review if, in the opinion of the Community Development Director, the alteration has the potential to have an adverse effect on the architectural integrity of the building, structure or surrounding property. (Ord. 5416, 2007; Ord. 5333, 2004; Ord. 5271, 2003; Ord. 5035, 1997; Ord. 4995, 1996; Ord. 4940, 1996; Ord. 4878, 1994; Ord. 4849, 1994; Ord. 4768, 1992; Ord. 4725, 1991; Ord. 4701, 1991; Ord. 4076, 1980; Ord. 4040, 1980; Ord. 3835, 1976; Ord. 3646, 1974.)

22.68.030 Alternative Design Review by Historic Landmarks Commission.

A project that is otherwise subject to review by the Architectural Board of Review in accordance with the requirements of this Chapter shall be referred to the Historic Landmarks Commission for review in accordance with the requirements of Chapter 22.22 of this Code if the project is proposed in any of the following locations:

- A. A lot on which a City Landmark or City Structure of Merit is located,
- B. A property on the City's Potential Historic Resources List, or
- C. Any property located within El Pueblo Viejo Landmark District or another landmark district.

This referral to the Historic Landmarks Commission is supplemental to any other design review requirements required by Chapter 22.22 due to the status of any building or structure on the lot or the location of the lot within a landmark district. The fact that an application for a building permit or grading permit is not subject to design review pursuant to this Chapter 22.68 shall not excuse or exempt an application from review pursuant to Chapter 22.22 of this Code. (Ord. 5416, 2007.)

22.68.040 Architectural Board of Review Notice and Hearing.

A. PROJECTS THAT REQUIRE A NOTICED HEARING. Review of the following projects by the Architectural Board of Review must be preceded by a noticed public hearing:

- 1. A new residential duplex, multiple residential unit, mixed-use (residential and non-residential) building, or non-residential building,
- 2. The addition of over 500 square feet of net floor area to a residential duplex or multiple residential unit,
- 3. An addition of a new story or an addition to an existing second or higher story of a residential duplex or multiple residential unit,
- 4. An addition or alteration to a multiple residential unit that will result in an additional residential unit,
- 5. Small non-residential additions as defined in Chapter 28.87.300 of this Code,
- 6. Projects involving grading in excess of 250 cubic yards outside the footprint of any main building (soil located within five feet (5') of an exterior wall of a main building that is excavated and recompacted shall not be included in the calculation of the volume of grading outside the building footprint), or
- 7. Projects involving exterior lighting with the apparent potential to create significant glare on neighboring parcels.

B. MAILED NOTICE. Not less than ten calendar days before the date of the hearing required by Subsection A above, the City shall cause written notice of the project hearing to be sent by first class mail to the following persons: (1) the applicant and (2) the current record owner (as shown on the latest equalized assessment roll) of any lot, or any portion of a lot, which is located not more than three hundred feet (300') from the exterior boundaries of the lot which is the subject of the action. The written notice shall advise the recipient of the following: (1) the date, time and location of the hearing, (2) the right of

the recipient to appear at the hearing and to be heard by the Architectural Board of Review, (3) the location of the subject property, and (4) the nature of the application subject to design review.

C. **ADDITIONAL NOTICING METHODS.** In addition to the required mailed notice specified in Subsection B, the City may also require notice of the hearing to be provided by the applicant in any other manner that the City deems necessary or desirable, including, but not limited to, posted notice on the project site and notice delivered to non-owner residents of any of the twenty (20) lots closest to the lot which is the subject of the action. However, the failure of any person or entity to receive notice given pursuant to such additional noticing methods shall not constitute grounds for any court to invalidate the actions of the City for which the notice was given.

D. **PROJECTS REQUIRING DECISIONS BY THE CITY COUNCIL, PLANNING COMMISSION, OR STAFF HEARING OFFICER.** Whenever a project requires another land use decision or approval by the City Council, the Planning Commission, or the Staff Hearing Officer, the mailed notice of the first hearing before the Architectural Board of Review shall comply with the notice requirements of this Section or the notice requirements applicable to the other land use decision or approval, whichever are greater. However, nothing in this Section shall require either: 1. notice of any hearing before the Architectural Board of Review to be published in a newspaper, or 2. mailed notice of hearings before the Architectural Board of Review after the first hearing conducted by the Architectural Board of Review, except as otherwise provided in the Architectural Board of Review Guidelines adopted by resolution of the City Council. (Ord. 5444, 2008; Ord. 5416, 2007; Ord. 5380, 2005; Ord. 4995, 1996.)

22.68.050 Architectural Board of Review Referral to Planning Commission.

A. **PLANNING COMMISSION COMMENTS.** When the Architectural Board of Review determines that a project is proposed for a site which is highly visible to the public, the Board may, prior to granting preliminary approval on the application, require presentation of the application to the Planning Commission solely for the purpose of obtaining comments from the Planning Commission regarding the application for use by the Architectural Board of Review in its deliberations.

B. **PLANNING COMMISSION NOTICE AND HEARING.** The Planning Commission shall hold a noticed hearing prior to making any comments on a project pursuant to this Section. Notice of the Planning Commission hearing shall be provided in accordance with the requirements of Section 22.68.040. (Ord. 5416, 2007; Ord. 5380, 2005; Ord. 4995, 1996; Ord. 4849, 1994; Ord. 4768, 1992; Ord. 4725, 1991.)

22.68.060 Special Design Districts.

The following areas are identified as City Special Design Districts:

A. **MISSION AREA SPECIAL DESIGN DISTRICT.** All real property located within one thousand feet (1000') of Part II of El Pueblo Viejo Landmark District, as legally described in Section 22.22.100(b).

B. **HILLSIDE DESIGN DISTRICT.** All real property within the Hillside Design District as delineated on the maps labeled "Hillside Design District" which are part of this Code and are shown at the end of this Chapter. All notations, references, and other information shown on said maps are incorporated herein and made a part hereof. The entirety of any annexation shall become a part of the Hillside Design District upon annexation, unless otherwise determined as part of the annexation.

C. **HIGHWAY 101 SANTA BARBARA COASTAL PARKWAY SPECIAL DESIGN DISTRICT.** All real property within the State owned or leased right-of-way of Highway 101 and all City owned or leased right-of-way which intersects Highway 101 within the S-D-3 Coastal Overlay Zone.

D. **LOWER RIVIERA SURVEY AREA - BUNGALOW DISTRICT.** All real property within "Lower Riviera Survey Area – Bungalow District" as shown on the map labeled as such and appended to

the end of this Chapter – hereinafter referred to as the “Bungalow District.” (Ord. 5416, 2007; Ord. 5380, 2005; Ord. 5333, 2004; Ord. 4940, 1996; Ord. 4768, 1992; Ord. 4725, 1991; Ord. 3646, 1974.)

22.68.070 Special Design District – Lower Riviera Survey Area (Bungalow District).

A. SPECIAL DESIGN DISTRICT AREA MAP – LOWER RIVIERA SURVEY AREA - BUNGALOW DISTRICT. Applications for building permits to construct, alter, or add to multi-family residential units or residential duplexes on lots located within the “Lower Riviera Survey Area - Bungalow District” established pursuant to SBMC Section 22.68.060 shall be subject to design review in accordance with the requirements of this Section 22.68.070 as follows:

B. REVIEW OF BUILDING PERMIT APPLICATIONS. Applications for building permits to construct, alter, or add to multi-family residential units or residential duplexes on lots located within the Bungalow District shall be referred to the Community Development Director for review to determine if the application constitutes a project to demolish the structure. For the purposes of this Section, a “demolition” shall be as defined in subparagraph (J) of Santa Barbara Municipal Code Section 22.22.020. Such a determination shall be made by the Community Development Director or the Director’s designee in writing within thirty (30) days of the date of the original application. If the Community Development Director or the Director’s designee determines that the property is eligible for listing on the City’s Potential Historic Resources list, the demolition application shall be referred to the Historic Landmarks Commission for determination of the historical significance of the building or structure pursuant to Section 22.22.035.C.3. If it is determined that the property is not eligible for listing on the City’s Potential Historic Resources list and the Community Development Director or the Director’s designee determines that the application does constitute an application to demolish the structure, such application shall be referred to the City’s Architectural Board of Review for review by the Board in accordance with the requirements of this Section. If the Community Development Director or the Director’s designee determines that the application does not constitute a demolition under the terms of this Section, the building permit shall be issued upon compliance with the otherwise applicable requirements of this Code for appropriate and required design and development review.

C. REVIEW OF BUNGALOW DISTRICT DEMOLITION APPLICATIONS BY THE ARCHITECTURAL BOARD OF REVIEW. An application referred to the Architectural Board of Review pursuant to Subsection B above shall be reviewed by the Architectural Board of Review in accordance with the hearing, noticing, and appeal procedures established in SBMC Sections 22.68.040 and 22.68.100. An application referred to the Architectural Board of Review pursuant to Subsection B above shall not be approved unless the Architectural Board of Review makes all of the following findings with respect to that application:

1. That the demolition will not result in the loss of a structure containing a primary feature or features of Bungalow or Arts and Crafts style residential architecture, which features are worthy of or appropriate for historical preservation;
2. That the demolition will not result in the loss of a structure which, although not eligible as a City Historic Resource, is a prime example of the Bungalow or Arts and Crafts style residential building appropriate for historical preservation;
3. That the demolition will not result in the loss of a structure which is prominent or which is a prime example of the Bungalow or Arts and Crafts style residential architecture for which this neighborhood is characterized or known.

D. ARCHITECTURAL BOARD OF REVIEW CONDITIONAL APPROVAL OF DEMOLITION WITHIN THE BUNGALOW DISTRICT. Notwithstanding the above-stated requirement for appropriate demolition findings, the ABR may approve a demolition application within the Bungalow District if the ABR conditions the demolition permit such that any proposed future development of the real property upon which the structure or structures are located must comply with express conditions of approval

designed to preserve certain existing architectural features or buildings, as determined appropriate by the ABR.

Such conditions may provide that any future development of the property involved must either incorporate the existing structures, in whole or in part, into the new development, or it must preserve certain features or aspects of the existing structures or of the site such that these features are incorporated into any future development of the real property, either through the preservation of the building or feature or its replication in the new development, as may be determined appropriate by the ABR.

Such conditions of approval shall be prepared in written form acceptable to the Community Development Director and the City Attorney and shall be recorded in the official records of Santa Barbara County with respect to the involved real property prior to issuance of any building permit for said demolition such that these conditions shall be binding on all future owners of the real property as conditions imposed on any new development for a period of twenty (20) years after the conditional approval of the original demolition application and the completion of the demolition.

E. REVIEW OF NEW DEVELOPMENT WITHIN THE BUNGALOW DISTRICT BY ARCHITECTURAL BOARD OF REVIEW. Applications for building permits to construct new multi-family residential buildings or residential duplexes on lots located within the Bungalow District shall be referred to the Architectural Board of Review for development plan review and approval in accordance with the public hearing, noticing and appeal requirements of SBMC Section 22.68.040 and 22.68.100, provided that the property owner/applicant may be required to submit those development plan materials deemed necessary for full and appropriate review by the ABR prior to the ABR hearing.

F. BUNGALOW DISTRICT FINDINGS. The ABR shall not approve a new development within the Bungalow District unless it makes both of the following findings:

1. Express conditions of approval have been imposed on the proposed development which appropriately incorporate the existing structures or architectural features or other aspects of these structures (or of the site involved) into the new development, or these structures, features or aspects will be appropriately replicated in the new development; and

2. The proposed development will not substantially diminish the unique architectural style and character of the Bungalow District as a residential neighborhood of the City.

G. GUIDELINES FOR SPECIAL DESIGN DISTRICT. The Lower Riviera Special Design District Guidelines adopted by resolution of the City Council shall provide direction and appropriate guidance to the ABR, the Planning Commission and City staff in connection with the review of applications filed pursuant to this Section. (Ord. 5416, 2007; Ord. 5333, 2004.)

22.68.080 Signs.

Application for sign permits shall be considered by the Architectural Board of Review only upon an appeal filed pursuant to Section 22.70.050.9 of this Code. (Ord. 4101, 1981; Ord. 3646, 1974.)

22.68.090 Approval of Plans for Buildings or Structures on City Lands.

No building or structure shall be erected upon any land owned or leased by the City, or allowed to extend over or upon any street, or other public property, unless plans for the same and the location thereof shall first have been submitted to the Architectural Board of Review or the Historic Landmarks Commission, as applicable, for its approval. (Ord. 4849, 1994; Ord. 4701, 1991; Ord. 3646, 1974.)

22.68.100 Appeal to Council - Notice and Hearing.

A. PROCEDURE FOR APPEAL. Any action of the Architectural Board of Review on an application for preliminary or final approval taken pursuant to this Chapter 22.68 may be appealed to the City Council by the applicant or any interested person pursuant to Chapter 1.30 of this Code. In deciding

such an appeal, the City Council shall make those findings required of the Board with respect to a determination made pursuant to this Chapter.

B. NOTICE OF APPEAL. In addition to the procedures specified in Chapter 1.30, notice of the public hearing before the City Council on an appeal from a decision of the Architectural Board of Review made pursuant to this Chapter 22.68 shall be provided in the same manner as notice was provided for the hearing before the Architectural Board of Review. (Ord. 5416, 2007; Ord. 5380, 2005; Ord. 4995, 1996; Ord. 4701, 1991; Ord. 3944, 1978; Ord. 3646, 1974.)

22.68.110 Expiration of Approval.

A. TWO-YEAR EXPIRATION. A final approval of the Architectural Board of Review, as defined in the Architectural Board of Review Guidelines, shall expire by limitation and become null and void if a building permit for the building or work authorized by the approval is not issued within twenty four (24) months of the granting of the final approval by the Architectural Board of Review or the City Council, on appeal.

B. COMMUNITY DEVELOPMENT DIRECTOR EXTENSION. Upon a written request from the applicant prior to the expiration of the approval, the Community Development Director may grant one (1) twelve-month extension of the final approval. Extensions of time may be granted by the Community Development Director upon findings that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.68 and applicable City ordinances, resolutions and other laws.

C. EXTENSIONS BY THE ARCHITECTURAL BOARD OF REVIEW. In addition to the twelve-month extension by the Community Development Director, upon a written request from the applicant prior to the expiration of the approval, the Architectural Board of Review may grant up to two (2) twelve-month extensions of the final approval. Extensions of time may be granted by the Architectural Board of Review upon findings that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.68 and applicable City ordinances, resolutions and other laws. (Ord. 5416, 2007.)

****Note: This is an excerpt of the ABR Ordinance. The Hillside and Lower Riviera Special Design District maps are not included in this handout. Please refer to the Zoning Ordinance for a copy of the maps.***